UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*22 August 2006*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11,.453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*57-73*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*57-65 and 67-73*</u> is/are rejected.

7)☒ Claim(s) <u>*66*</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*30 October 03 and 18 April 05*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the Amendment and Restriction Election filed

22 August 2006, in which claims 57-73 were presented for examination.

Election/Restrictions

2.   Applicant's election without traverse of Group III, claims 57-73, in the reply filed

on 22 August 2006 is acknowledged.

Response to Arguments

3.   Applicant's arguments with respect to claim57-73 have been considered but are

moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 57-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zellner et al., US 2004/0088345, in view of Bare et al., US 6,654,382, in further view of

Preston et al., US 6,236,652.

5.   (**Claims 57-59, 63**) Zellner et al. discloses a method for discovering and

maintaining geographic location information for network devices, the method comprising

the steps of: interconnecting a first network device to a particular port of an intermediate

network device (IP device 20, Figure 8), the first network device including a location

generator configured to determine physical coordinates corresponding to the location of

the first network device (user location identifier 59); transmitting, by the first network

device, a message including the physical coordinates of the first network device to the

intermediate network device ([0074]-[0075]), the intermediate network device receiving

the messages on a particular port ([0075]-[0076]); storing the physical coordinates at a

memory location of the intermediate network device, the memory location associated

with the particular port ([0082]). Zellner et al. does not disclose disconnecting the first

device and replacing it with a second device. However, Bare et al. teaches the initial

assignment of IP address to an IP device in a network, wherein a first IP device is

connected to an intermediary network device (Figure 1), the first device assigns a

logical address to the a particular port at the hub 12, once the logical address is

programmed, the first device is disconnected from the particular port and a second

network device is connected in its stead (column 5, lines 41-54), the second network

device located at substantially the same location as previously occupied by the first

network device (column 6, lines 30-38); and the assigned IP address is accessed from

the memory location associated with the particular port (column 6, lines 1-20) and the

data associated with the particular port is assigned to the second network device

(column 6, lines 1-38). Bare et al. further teaches wherein the second network device

lacks the capability to assign an IP address (column 6, lines 1-38) and Zellner et al.

discloses wherein the SSP can include information of the user and device in the

forwarded message that it demeans missing, such as location ([0082]). Bare et al. teach

transmitting the data stored in the memory location of the intermediate device to the

second device in response to a request by the second device (column 6, lines 39-44).

Bare et al. further teaches wherein the first network device is a portable computing unit and the second device is another network device (column 5, lines 41-54). Zellner et al. further discloses wherein the network device is a VoIP phone used to connect to an emergency service ([0031], [0040]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method and teachings of Bare et al. because as Bare et al. suggests allowing the network device to be used to assign a logical address at a network manager's convenience (column 3, lines 37-44 and column 7, lines 16-29). Bare further teaches generating an ICMP message (column 6, lines 1-38), the message including the stored data from a network switch (column 4, lines 7-25). Further, Preston et al. teaches IP address assignment using geographical Internet protocol addressing for network devices, wherein the client assigns its own IP address based on the unique positioning reference point, Preston et al. teaches the advantages of GeoIP is to efficiently resolve any network addressing concerns with a large number of network devices and still uses existing network protocols (column 5, lines 10-16).

6.   (Claim 60) Zellner et al. further discloses appending the address to an emergency call to a third network device, the emergency call originated by the second network device ([0082]).

7.   (Claim 61) Zellner et al. further discloses passing the address from the intermediate network to a second intermediate network device to be stored at the second intermediate network device ([0035], [0078]).

8.   (Claim 62) Zellner et al. discloses transmitting messages including the physical location of the network device in a TCP/IP format, but does not specify the message is

an ICMP message. Bare suggests it would have been obvious to use an ICMP Internet

protocol to transmit the information from one network device to another network device

since it was a well-known communication IP protocol for providing information relevant

to IP packet processing. Preston also suggests the use of physical coordinates can

increase the efficiency of routing a message by allowing the routing unit to quickly

determine nearest nodes and switches to the destination (column 8, lines 13-22).

9.   (**Claim 64**) Zellner et al. further discloses wherein intermediate network device is

a network switch ([0035]).

Claim Rejections - 35 USC § 103

10.   **Claim 65** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bare et

al. in view of Preston et al.

Bare et al. discloses an intermediate network device configured to maintain data

information for network devices comprising: a recording/reporting entity configured to

communicate with a first network device coupled to a particular port of the intermediate

network device (column 5, lines 41-54), and configured to receive from the first network

device particular data corresponding to data from a first network device (column 6, lines

12-44); a non-volatile memory configured to store the data in one or more memory

locations associated with the particular port, the data thereby associated with the

particular port (column 5, lines 11-21); and the recording/reporting entity is further

configured to, in response to receiving a request from a second network device coupled

to the particular port, it is assumed that the second device is located at substantially the

same location as the first device (column 6, lines 1-38) and transmit the data to the

second network device (column 6, lines 39-44). Bare does not disclose wherein the data

is physical coordinates of the first device. However, Preston et al. teaches a

geographical Internet protocol (geoIP) addressing system, wherein, similarly to Bare, a

network device assigns its own IP address by acquiring the GPS latitude and longitude,

converting it to the geoIP (column 8, lines 31-34), the IP address is assembled, checked

and stored by the server (column 8, line 54-column 9, line 11). It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the

device of Bare with the teachings of Preston because as Preston suggests it would

have been advantageous to use a geoIP address for a plurality of self-assigning

network device to effectively resolve addressing conflicts and allows for faster routing

for geographically sensitive IP based messages such as for 911 (column 5, lines 24-29

and column 7, lines 60-65).

Claim Rejections - 35 USC § 103

11.   **Claim 67** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bare et

al. in view of Preston et al. as applied to claim 65 above, and further in view of Zellner et

al.

Bare does not suggest transmitting physical location coordinates to an

emergency call device. Preston et al. teaches geoIP advantageously allows for

emergency messages to be quickly routed to emergency service devices (column 7,

lines 61-65). However, Zellner et al. teaches method of transmitting an emergency

message by TCP/IP format to an emergency service center, which inherently includes

transmitting the source IP address), that would send the device physical location to a

PSAP service ([0006]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bare in view of Preston with the teachings of Zellner et al. because as Zellner suggests it is advantageous for emergency calls to be transmitted in TCP/IP format to avoid busy signals, acquire a faster response, and be able to transmit a plurality of predetermined information with a plurality of network devices ([0011]-[0012]).

Claim Rejections - 35 USC § 103

12.   **Claims 68, 69 and 70-73** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bare et al. in view of Preston et al. and in further view of Zellner et al.

      Bare et al. discloses a method for interconnecting a network device to a particular port of a network switch (column 5, lines 41-54); the particular port associated with a memory entry in a memory of the network switch (column 5, lines 11-21), the memory entry storing predetermined data for use with any network device interconnected to the particular port (column 6, lines 12-44); receiving the data at the network device from the intermediate network device (column 6, lines 39-44). Further Bare discloses requesting the stored data from a network switch (column 4, lines 7-25) by transmitting one or more ICMP messages to the network switch (column 6, lines 1-38). Bare does not suggest wherein the data is physical coordinates. However, Preston et al. teaches a geographical Internet protocol (geoIP) addressing system, wherein, similarly to Bare, a network device assigns its own IP address by acquiring the GPS latitude and longitude, converting it to the geoIP (column 8, lines 31-34), the IP address is assembled, checked and stored by the server (column 8, line 54-column 9, line 11).

Bare nor Preston explicitly teach that the network device is a VoIP telephone or that a

message from the network device is sent to an emergency call (PSAP). However,

Zellner et al. teaches a method of transmitting an emergency message by TCP/IP

format to an emergency service center, which inherently includes transmitting the

source IP address, wherein the network device is a VoIP telephone ([0040]), connected

to an intermediary device (SSP 18), that would send the device physical location to a

PSAP service ([0006]). It would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the method of Bare with the teachings of Preston

and Zellner because Zellner suggests it is advantageous for emergency calls to be

transmitted in TCP/IP format to avoid busy signals, acquire a faster response, and be

able to transmit a plurality of predetermined information with a plurality of network

devices and the IP connection would have been obvious to combine with the method of

Bare because Bare suggests it is beneficial for a network device to be able to assign its

own IP address to a port of a network hub, which allows the devices to be interchanged

at the hub but the IP address need not be reconfigured for each device (column 6, line

51-column 7, line 2). Preston suggests it would have been obvious to use a geoIP

address for a plurality of self-assigning network device to effectively resolve addressing

conflicts and allows for faster routing for geographically sensitive IP based messages

such as for 911 (column 5, lines 24-29 and column 7, lines 60-65).

Allowable Subject Matter

13.   **Claim 66** is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB

THOMAS BLACK
SUPERVISORY PATENT EXAMINER